



CRL OP(MD). No.17321 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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Sudalai Vadivu

... Petitioner/ Accused (Rank Not Known)

Vs

State Rep. by
The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.
(Crime No.118 of 2023)

... Respondent/Complainant

For Petitioners : Mr.R.Anand, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.118 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 449, 294(b), 302, 307, 115, 506(II), 109 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.118 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that pursuant to a complaint given by the wife



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of the deceased, this case has been registered against the 9 named persons and other unnamed persons. According to the complaint, in the year 2019, the complainant's husband has assaulted one Sudalai Muthu. Due to previous enmity, the petitioner and other accused have assaulted the deceased and committed murder.

3.The learned counsel for the petitioner submitted that totally there are 9 accused in this case and this petitioner name is not found place in the FIR. This is the second application for anticipatory bail and the first application has been dismissed on the ground that investigation was not completed. According to the prosecution case, this petitioner only instigated the other accused and she has not participated in the occurrence directly. Except A5 and this petitioner, all other accused were secured by the police. In this case, investigation is almost over and most of the witnesses have been examined and hence, seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the offences are grave in nature. In the place of occurrence still police picketing is there. As per the Witness Protection scheme, the petitioner is not entitled to get anticipatory bail and the investigation is not completed and he objected to grant of anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6.Considering the rival submissions made by either parties, considering the fact



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that already material part of investigation was over and there is no specific overt act against the petitioner and the petitioner's name is not found place in the FIR, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Srivaikundram on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 A.M., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[e] If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
27/09/2023

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/10/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

am

TO

1 THE JUDICIAL MAGISTRATE NO.II, SRIVAICKANDRAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.17321 of 2023
Date :27/09/2023

RS/MGA/SAR-(05.10.2023) 4P 5C

Madurai Bench of Madras High Court is issuing
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